

September 26, 2018

Mr. Henry Leskinen  
Eco-Science Professionals, Inc.  
P.O. Box 5006  
Glen Arm, MD 21057

Re: Woodcrest Venture LLC Property at 21 Saint Thomas Lane  
Forest Buffer Variance  
Tracking #02-18-2798

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by this Department of Environmental Protection and Sustainability (EPS) on August 27, 2018. If granted, the variance would allow the applicant to reduce the width of the Forest Buffer Easement from 75 feet to 35 feet, permanently impacting 2,363 square feet (sf) of area that would be Forest Buffer Easement in order to construct a single family dwelling on the subject property. Additionally, the applicant also requests a reduction of the principal building setback to the reduced Forest Buffer Easement from 35 feet to 25 feet, resulting in a total setback reduction of 700 sf. An alternatives analysis evaluating impacts for a driveway, sewer connection, and water connection proposed within this Forest Buffer Easement area will be addressed in separate correspondence from EPS staff.

The Forest Buffer Easement is currently lawn with scattered trees and is associated with an unnamed Use-I tributary to Gwynns Falls, which flows through an open ditch adjacent to Saint Thomas Lane along a portion of the lot frontage. A small area of emergent non-tidal wetlands exists adjacent to the channel. The tributary travels under Saint Thomas Lane via a culvert pipe starting on the subject property.

The property is approximately 0.3 acre, over half of which would be encompassed by the full Forest Buffer Easement. No buildings or other manmade structures currently exist on the lot that was created well prior to the Forest Buffer Law. Full application of the law would preclude the applicant from constructing a dwelling on the property. A 30-foot rear building zoning setback, coupled with grading considerations, prevents the applicant from relocating the house further out of the Forest Buffer Easement.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Section 33-3-111. Furthermore, impacts to water quality would be minimized given that the reduced Forest Buffer Easement will be protected by an orange safety fence during construction and clearly marked with protective signage that will remain after

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construction. Additionally, temporarily impacted Forest Buffer Easement will be restored. Finally, the applicant proposes to purchase 2,363 sf of mitigation credit in a County-approved Forest Buffer Mitigation Bank to offset permanent forest buffer impacts.

Therefore, we will grant this request in accordance with Section 33-3-106 (a)(1) of the Baltimore County Code, with the following conditions:

1. The following note shall appear on all subsequent plans and plats submitted for this project:

“A variance was granted on September 26, 2018 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and its setback shown hereon reflect the fact that this variance was granted. Conditions were placed on this variance to reduce impacts to water quality including identification of the Forest Buffer Easement with fencing and protective signage and offsite buffer planting.”

2. A Forest Buffer Protection Plan (FBPP) detailing mitigation must be received and approved by EPS staff prior to any permit approval.
3. The permanent impacts to the forest buffer shall be mitigated by the purchase of 2,363 sf of credit in an EPS-approved Forest Buffer Mitigation Bank prior to issuance of any County permit. A letter authorizing this purchase is enclosed for your use.
4. “Forest Buffer-Do Not Disturb” signs shall be installed along the Forest Buffer Easement limit at 50-foot intervals or any turn in the FBE prior to EPS approval of any building or grading permit. Information regarding the signs including a list of sign suppliers is enclosed for your use.
5. The Forest Buffer Easement and its Declarations of Protective Covenants shall be recorded in Baltimore County Land Records prior to any permit approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL/lbe

Enclosures (2)

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

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Owner's/Developer's Signature

Date

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Printed Name